



## HUMAN RESOURCES

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TRADE UNION RECOGNITION, TIME OFF AND FACILITIES AGREEMENT			

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**Appendix 1 – Special Arrangements for UNISON**

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**REVISION TABLE**

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## HUMAN RESOURCES

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### Trade union Time Off and Facilities Agreement:

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#### 1. SCOPE

This Collective Agreement covers those Trade unions who are recognised by Cheshire East Borough Council for the purpose of local consultation and negotiation on pay and conditions of service and for representation of Trade union Members at internal hearings and appeals.

The recognised Trade unions are:

UNISON	NUT
GMB	NASUWT
UNITE	ATL
UCATT	NAHT
Aspect	VOICE
AEP	ASCL

Other independent Trade unions who are not recognised by Cheshire East Borough Council will only be able to represent their individual members at internal hearings and appeals and will not have recognition rights in relation to any other employee relations matters.

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#### 2. AIMS

The aims of this Collective Agreement are to:

1. Provide framework arrangements between Cheshire East Borough Council and the recognised trade unions.
  2. Provide managers, trade union representatives and members with clear guidelines under which requests for time off for trade union duties, activities and facilities will be determined.
  3. Avoid or minimise misunderstandings, ensure fair and consistent treatment and facilitate better planning for managers, trade union officials, representatives and stewards.
  4. Facilitate and improve consultation, enhance collective bargaining and employee relations within the Council.
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### 3. PRINCIPLES

The agreement has been drawn up in accordance with the Trade union and Labour Relations (Consolidation) Act 1993, The Employment Act 2002 and the ACAS Code of Practice on Time off for Trade union Duties and Activities and Time Off for Union Learning Representatives, April 2003.

The agreement also recognises the requirements of the Safety Representatives and Safety Committees Regulations 1977, as amended by the Management of Health and Safety at Work Regulations 1999, (made under HASWA 1974.)

The Council is committed to promoting and maintaining sound employee relations policies; it also recognises the need for clear rules on the conduct of collective bargaining and the rights of trade unions to make representation to the employer in support of their member's interests.

The Council wishes to maintain a framework in which matters of mutual interest between management and trade unions can be discussed in an orderly way.

The Council places importance in developing effective employee relations policies which:

- Promote the trust of employees and the trade unions
- Support and encourage high quality services and a well trained and motivated workforce
- Ensure equality of opportunity and a diverse workforce
- Advance the values and objectives of the Council

It is also recognised that good employee relations require the continuing co-operation of all those involved in the process, i.e. the Council, the trade unions and employees, and that all parties have an equal responsibility in the process.

The Council recognises the right of employees to choose whether or not they wish to belong to a trade union and the right where they are a member of a trade union to take part in its activities as appropriate and to seek election to and hold office in the union.

There will be no discrimination against any employee or applicant for employment on the grounds of their

membership or non membership of a trade union.

The Council will also ensure that all trade union representatives will not lose their employment or be disadvantaged in terms of their career opportunities as a result of their trade union duties or activities.

The Council recognises the right of the trade unions to communicate directly with its members, including the use of e mail systems.

The trade union will recognise the right of the Council to communicate directly with their employees.

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**4. WHO TO CONTACT FOR MORE INFORMATION**

If you would like further information or advice please contact the Head of HR Policy & Strategy.

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**5. DEFINITIONS**

An official/representative is an employee who has been elected or appointed in accordance with the rules of the union to be a representative of all or some of the union's members in a particular workplace or organisation.

A trade union secondee is an official/representative of the Trade union who has been seconded, under the terms of this Agreement and the relevant appendices, on a full time or part time basis to undertake trade union duties and activities. trade union secondees play an important role in the effective conduct of employee relations on a Council wide basis.

A health and safety representative is an employee elected or appointed in accordance with the rules of a trade union recognised by the Council and is recognised as a representative of a group or groups of employees in accordance with the Safety Regulations and Safety Committees Regulations 1977.

A trade union learning representative is an employee elected or appointed in accordance with the rules of a trade union recognised by the Council and their main function is to advise union members about their training, educational and development needs.

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**6 GENERAL ARRANGEMENTS**

Recognised trade unions will notify the Head of HR Policy and Strategy of the appointment, election and resignation of all trade union representatives on a monthly basis. This

should be in the form of a fully amended and up to date list which indicates the representative's workplace and which Directorate/Department, service area or workplace they are supporting.

The agreement provides for reasonable time off and will work well if all parties take a reasonable and constructive approach to time off. However, it needs to be appreciated that there may be some occasions when the needs of the service override the ability of management to give time off.

The Council reserves the right to terminate this collective agreement with one or more of the recognised trade unions, by giving 90 days notice in writing to the appropriate trade union(s). However, before serving such notice the Council (or its representative) will consult with a Full Time Regional official of the trade union(s) concerned about the matter.

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**7 TIME OFF FOR  
TRADE UNION  
DUTIES**

Separate and in addition to Trade union secondees, employees who are officials/representatives of a recognised trade union are permitted to reasonable paid time off during working hours, with pay, subject to the needs of the service, to take part in legitimate trade union duties concerned with employee relations between the Council and the employees they represent. The purpose of the time off must be either:

1. to carry out official union duties or
2. to undergo relevant training as approved by the TUC or trade union

Examples of the type of time off that will be granted, subject to the needs of the service are:

- To prepare for and to attend meetings with individual members or groups of members relating to terms and conditions of employment, working conditions, recruitment, terminations and redundancy, job grading issues, workforce planning, discipline, grievance, capability and harassment matters
- To discuss flexible working practices
- To deal with trade union membership issues
- To attend discussions regarding facilities for trade unions
- To attend joint consultation and negotiation meetings
- To attend management/union meetings for

the purposes of consultation and collective bargaining, including pre meetings for the union side.

- Representing members on relevant regional/national negotiating bodies

For accredited Health and Safety Representatives, reasonable paid time off will be granted for:

- Carrying out Health and Safety Inspections of the workplace at quarterly intervals
- Accident/incident investigations
- Representing employees in consultation with the HSE
- Management meetings regarding safety issues
- Meetings of Health and Safety Committees
- Appropriate and recognised training events

## 8 TRADE UNION LEARNING REPRESENTATIVES

Employees who are officials of an independent and recognised trade union can also take time off to undertake the duties of a Union Learning Representative, subject to the operational requirements of the service and provided that the union has notified in writing that the employee is a Union Learning Representative and the training condition is met (refer to the ACAS Code of Practice).

The functions of a Union Learning Representative include:

- Analysing learning and training needs
- Providing information and advice about learning or training matters
- Arranging learning or training
- Promoting the value of learning or training
- Consulting the employer about carrying on any such activities
- Preparation to carry out any of the above activities
- Undergoing relevant training

To qualify for paid time off as a Union Learning Representative, an employee must be sufficiently trained to carry out the duties, either at the time that notice is given to the Council of the employee taking up this role or within 6 months of that date.

An employee, who is a member of a recognised trade union, is also permitted to take time off during working hours for the purposes of accessing the services of a Union Learning Representative.

9 **TRAINING FOR  
TRADE UNION  
OFFICIALS**

Trade union officials are more likely to carry out their duties effectively if they possess skills and knowledge relevant to their duties.

Newly elected or appointed officials will be permitted to take paid time off for the minimum basic training necessary to comply with legislation, including the need for periodic refresher training as required to maintain accredited status.

Other training will be dependent upon the relevance of the training to the duties and responsibilities of the representative or where the training is necessary to meet specific issues arising from consultations in the workplace or legislative changes affecting employee relations. This will require the specific approval of the Head of Human Resources, unless it is jointly run in house training.

Training should be approved by the TUC and/or the trade union.

The following represent the type of courses that would be approved for paid time off during working hours:

- Initial stewards training course (normally 10 days)
- Representative skills course (normally 3 days maximum)
- Negotiating skills for senior officials involved in consultative or negotiating meetings. (up to a maximum of 10 days)
- Specialist training, i.e. job evaluation (maximum of 5 days)
- Health and Safety training courses for safety representatives

A proposed Annual Training Programme should be supplied by the Branch Secretary to the Head of HR Policy and Strategy as soon as possible after the Branch AGM.

The Branch Secretary or appropriate Officer will provide at least one month's notice for representatives to attend training courses

Requests for additional unforeseen training will be considered on an individual basis.

10 **TIME OFF FOR  
TRADE UNION  
ACTIVITIES**

To operate effectively and democratically trade unions need the active participation of members. The Council therefore recognises its statutory obligations to allow trade

union officials and members reasonable time off during working hours to undertake trade union activities such as:

- Attending workplace meetings to discuss and vote on the outcome of consultations with the employer
- Meeting full time officials to discuss relevant workplace issues
- To elect employee representatives

There is no right to time off for trade union activities which consist of industrial action.

# 11 PAYMENT FOR TIME OFF

Time off for trade union Duties will be paid provided that the representative would normally have been at work during those hours.

Pay will be the amount that the official would have earned had they worked, or where earnings vary, an amount calculated by reference to average hourly earnings.

For part time staff, where management wish to consult with them outside of their normal working day, payment will be made for those hours involved (including attendance and travel time).

Paid time off will only be given for issues relating to Cheshire East employees.

Where a representative wishes to take part in activity that has no direct bearing on the workplace, e.g. attending a Trade union rally, then annual leave or time off **without** pay may be granted.

Seconded officials will be expected to spend all of their contracted hours, for which they are seconded, on duties or activities relating to Cheshire East employees. Where they are asked by other employers, whose members are represented in the Branch, to represent them, it must be either in their own time or an arrangement must be made with the Head of Human Resources for reimbursement of their time from the other employer.

Time off for relevant training for Union Learning Representatives will be paid as above.

There is no statutory requirement to pay for time off to undertake trade union activities. However, provided that the time taken is reasonable in the circumstances outlined

in section 10 above, time off will be paid, but only if the employee would normally have been at work during those hours.

## 12 **FACILITIES FOR TRADE UNIONS**

The Council will make available to officials the facilities necessary for them to perform their duties efficiently and to communicate effectively with their members, other officials and full time officers.

Subject to availability these facilities could include:

- Accommodation for trade union meetings, (wherever possible these should be outside of normal working hours)
- Access to rooms and privacy for representatives to meet with members
- Facilities for representatives to meet new members
- Use of the internal postage system
- Use of e mail and the intranet/internet
- Provision of all reasonable IT equipment
- Use of internal notice boards
- Use of the telephone system with the trade union accepting the cost of any private calls
- Access to a room for learning representatives to discuss training matters with the employee in a confidential manner
- Provision of photocopying and internal printing services (photocopying will be at no cost except where it is for campaigning purposes. In house printing will be charged at the same rate as if they were an internal service of the Council).

The facilities listed above must not be used for canvassing or for the purpose of proposing or conducting strike or other industrial action. Misuse will result in the facility being withdrawn.

## 13 **EXPENSES**

Expenses will be paid to representatives where they are required to attend meetings called by management, and when representing members at meetings with management within the Council.

Expenses incurred at trade union meetings, external meetings and training courses will not be met by the Council.

**14 REQUESTS FOR TIME OFF**

Trade union officials requesting time off for duties, activities and relevant training should provide as much notice as possible to management, (at least 5 days) using the appropriate request form. The form should be signed by the manager and sent to the Head of HR Policy & Strategy.

The Head of HR Policy and Strategy will be responsible for collating all of the information on time off for monitoring purposes.

**15 DISPUTES**

Any dispute regarding time off for trade union duties and facilities, except matters of interpretation of this agreement, should be raised initially with the relevant Service Director and HR Business Partner. Where no agreement can be reached, this may be referred to the Head of HR Policy and Strategy. Issues of interpretation of this agreement must be referred immediately to the Head of HR Policy and Strategy.

Any dispute that has been through the local dispute resolution procedure will be referred to a mutually agreed third party for conciliation purposes.

**16 RECORDING ARRANGEMENTS**

Time recording sheets should be completed by all representatives and submitted to the Head of HR Policy and Strategy on a monthly basis.

**17 REVIEW**

This Collective Agreement will be reviewed annually and jointly to ensure that it remains up to date with statutory and regulatory provisions and good practice and meets the aims intended.

**Appendix 1****Additional Arrangements for UNISON**

This Appendix to the Collective Agreement on Trade union Recognition, Time Off and Facilities applies only to UNISON and gives UNISON additional arrangements for the secondment of representatives, who are employees of the Council, further to part 5 of the Collective Agreement.

The number of secondments is 4 FTE. These secondments will be approved for a period of 12 months at a time and will be subject to annual review and renewal, further to UNISON notifying the Council of the representatives selected to undertake the secondments.

It is recognised that at the present time there is a significant amount of work following the Local Government Reorganisation and in connection with the associated restructuring exercises. It is likely that the number of seconded Officers would decrease by at least 1 FTE once this work has been completed.

If UNISON elections or other procedures require a change in seconded arrangements during a period of secondment then this will be dealt with as if the secondment had come to an end.

In the event of any seconded officers having continued or anticipated absence through long term ill health (more than 4 weeks); UNISON and the Council will discuss the provision of a substitute seconded officer.

Day to day administrative line management responsibility will rest with the HR Policy Manager. In addition minor matters of concern about the conduct of a seconded representative will be dealt with informally by the HR Policy Manager with the aim of resolving issues at an early stage. Otherwise such matters will be referred to the Branch and/or a full time Regional Official in writing.

Requests for additional facilities to cover anticipated long terms increase in workload (i.e. longer than 6 months) should be made to the Head of HR Policy and Strategy.

Where the trade union identifies 2 employees who wish to job share a full time secondment as an official, they will be treated no differently to a full time official.

In order to support the Convenors to improve their skills base they will be given an opportunity to have an annual Personal Development Review which will be conducted by the HR Policy Manager.

Release to undertake secondment is at the Council's discretion. The employees who are seconded into this role will be paid on their substantive

terms and conditions for the duration of their secondment and normal incremental progression will apply where appropriate, as would any regarding/re-evaluation of the post or job subject to any policy in place regarding incremental progression.

Once the secondment ends, The Council will endeavour to return the seconded officer to his/her former post on his/her existing terms and conditions of service, but this cannot be guaranteed. In the event of the post being affected by any restructuring or reorganisation leading to redeployment and/or redundancy, the seconded officer will be treated the same as any other employees whose substantive posts are similarly affected.

The duration of the secondment shall be treated as continuous service.

Paid time off will also be granted to attend the Annual UNISON Service Group or Sector Conference and the UNISON Annual National Delegate Conference, in accordance with the numbers allowed in the union constitution, subject to no more than 5 working days absence and subject to the approval of the Head of HR Policy and Strategy who must be notified of the details of attendees at least one month in advance of the conference.

Normally for other conferences, no more than one member per conference, with the exception of the Women's Conference where 2 members may attend, subject to the Head of HR Policy and Strategy being notified and approval.

For election to high office in UNISON, appropriate time off will be agreed with the Head of Human Resources.

Dedicated office accommodation will be provided for UNISON full time officials, which is located within or near to Council offices. This accommodation will provide an enclosed office space sufficient for private and confidential interviews to take place and for limited storage space.